

# Maryland Boat Act Advisory Committee Operating Guidelines

*Updated July 2023*

## Background

The Maryland State Boat Act was enacted in 1960 to work in harmony with the United States Coast Guard regulatory scheme and provided that revenue generated through regulating boating activity would be earmarked for boating and maritime purposes. The Maryland Boat Act Advisory Committee (BAAC) was established so that boating regulations would be developed in cooperation with the boating community.

BAAC provisions are provided in Natural Resources Article, §8-704, Annotated Code of Maryland. Subsection (g) provides for an advisory committee for regulations concerning vessel equipment or operation. The Secretary of the Maryland Department of Natural Resources (Department) appoints members to the BAAC who have knowledge or experience with boating. The members are representatives of boating associations, yacht clubs, and local, state, or federal governments or officials. The Code of Maryland Regulations ([COMAR 08.01.01.02](#)) provides guidelines for the length of terms, expense reimbursement, reappointment opportunities, and meeting guidelines.

BAAC is charged with providing the **Secretary of the Department of Natural Resources** advice on boating matters. BAAC may be comprised of 15 to 21 members. Membership includes boaters and representatives from various organizations associated with waterway use. BAAC members serve three year terms.

## Membership Responsibilities

The BAAC members shall have the following roles:

- 1) **Represent Constituents:** Since the waterways belong to all, the charge of the BAAC is to represent all users of the waters of the State of Maryland (sail boaters, motor boaters, swimmers, skiers, fishermen, watermen, kayakers, windsurfers, wake boarders and jet skiers etc.). Geographic distribution of the membership is encouraged.
- 2) **Prepare for Meetings:** Read distributed meeting information in advance of the meeting; discuss pertinent issues with the constituents you represent; and prepare to communicate and discuss constituents' viewpoints at meetings.
- 3) **Service between Meetings:** Maintain regular communication with the constituents you represent, informing them on the status of the BAAC and representing the BAAC accurately.
- 4) **Field Visits and Site Reviews:** Members may need to participate in field visits during the boating season to view the areas where potential regulations have been requested and gain an understanding of potential impacts to boaters.
- 5) **Work in Meetings:** Attend to process; follow agenda; suggest solutions or compromises; search for closure.
- 6) **Use the Capacities and Resources You Possess:** Promote the ideas, perspectives, and constituencies you represent while adhering to the purpose of the BAAC.

## **Term of Tenure**

COMAR 08.01.01.02 states that BAAC members are appointed to three-year terms and may be reappointed. Members may continue to serve until a successor is appointed.

## **Agenda and Meeting Support Information**

- 1) The agenda for BAAC meetings shall be approved by the Chairperson, and include any specific issues requested by the Department.
- 2) An annual meeting schedule will be announced by the Department by December of each year for the following year. Additional unscheduled meetings will be announced two weeks in advance.
- 3) The agenda and meeting support information shall be distributed electronically or by mail at least one week in advance of a BAAC meeting.

## **Attendance**

- 1) The BAAC membership is extended to each member as an individual based upon their interest and expertise, therefore attendance is important.
- 2) In the event that you are unable to attend a meeting, you must notify the Boating Stakeholder Coordinator within 48 hours of the meeting. The Boating Stakeholder Coordinator and Chairperson will work with you to obtain and provide your input to the BAAC.
- 3) The Boating Stakeholder Coordinator will notify BAAC members if a meeting is to be canceled for lack of a quorum.
- 4) If a member is unable to attend 75% of BAAC meetings during a calendar year, the Department will review the situation and may decide to remove the member and appoint an alternate. The alternate will serve the remainder of the original term and may be reappointed.

## **Quorum**

A quorum is a simple majority of appointed members.

## **Communication Ground Rules**

The BAAC is asked to follow Robert's Rules of Order and to consider each of the following suggested ground rules in an effort to facilitate group discussions.

- 1) Only BAAC members (or approved proxy attendees) will sit at the meeting table. Members will be asked to provide the name of a proxy at the first meeting of the year if they would like to do so.
- 2) Members will strive to focus on their values and interests, not their positions.
- 3) Only one member will speak at a time, each member will have equal opportunity to participate.
- 4) Each member will focus on the agenda issue to keep the discussion moving forward.
- 5) Each member will respect all other members and individuals of the public that may be in attendance at meetings.
- 6) Each member will strive to listen actively and be open-minded.
- 7) Public observers will be allowed to address the BAAC at a designated time period on the agenda for each meeting.
- 8) For topics that are not on the agenda, the Chairperson will use a public sign-up list in

deciding how to allocate the available time on the agenda to the number of people who want to speak.

- 9) For topics that are on the agenda, the Chairperson will provide limited opportunity for comment, taking into account the time allotted on the agenda for the topic.
- 10) Motions. During the Executive Session BAAC members may make a motion. The motion shall be written down as part of the meeting motions/action items summary. A motion shall be followed by an equitable amount of time for discussion amongst members. Discussion shall be limited to the merits of the immediately pending question or issue. The Chairperson is responsible for allocating discussion and comment time. Following the discussion and comment period, the motion shall be seconded by a BAAC member, other than the member who made the original motion. A seconded motion shall be approved by the majority of the BAAC members in order to be adopted. The BAAC will decide by motion to accept, modify, deny, or take no action regarding each request. The decisions made will become the recommendations that are submitted to the Secretary.

### **Decision-Making**

- 1) The BAAC will try to find an equitable answer to a public perceived problem if possible and make its decisions based on a simple majority vote.
- 2) Members with minority views can request that their views be explicitly included in any decisions and recommendations that are made to the Department.
- 3) The BAAC reviews each request and strives to make informed decisions based on the best available information and [evaluation criteria](#).
- 4) If a request is made for an area that is similar to a request made for the area during the previous three years, a change will not be considered unless significant changes have occurred in that area.
- 5) No specific burden of proof applies to the person who makes a request for a regulation change.
- 6) Proponents of a change in regulation should present reasonably specific and persuasive evidence in support of the request. For example, a requestor might include evidence of material increases in boat traffic on a given waterway, evidence of ongoing damage to well-moored boats, or evidence of a number of accidents or injuries that would be reduced by the proposed regulation.
- 7) Generally, less weight is given to generalized and unsubstantiated assertions, anecdotal descriptions of what might be isolated events, and requests in areas that already have restrictions where additional enforcement may resolve the issue.

### **Meeting Minutes**

- 1) A meeting summary shall be prepared as a record of any BAAC meeting wherein official business is conducted.
- 2) Draft meeting summary shall be distributed to members within 10 working days following the BAAC meeting to which the meeting summary applies.
- 3) Draft meeting summaries, with or without amendments, shall be approved by a quorum of the members.
- 4) Only approved meeting summaries may be distributed to non-members and posted to the Boating website.
- 5) The Department shall maintain a master file of BAAC meeting agendas, meeting

summaries, meeting recordings, and meeting support information.

- 6) Motions/Action items from each meeting shall be disseminated electronically or by mail upon request by the next business day to members following a meeting.
- 7) Public meetings are recorded. The recording is available to members and the public upon request.

### **Public Comments**

- 1) If asked to comment on a matter under consideration by the BAAC outside of a committee meeting, a member shall differentiate between personal views, and any official position taken by the BAAC.
- 2) BAAC meetings are open to the public.
- 3) Public comment may be made in person at BAAC meetings or through the online process during the open comment period for a specific request.
- 4) For comments made in person at a BAAC meeting, the Chairperson has the flexibility to determine what the time allotment will be based on the agenda and public attendance to allow equitable opportunity to all to speak.

### **BAAC Positions and Recommendations**

Official positions or recommendations adopted by the BAAC which members believe warrant the attention of the Secretary of the Maryland Department of Natural Resources shall be recorded in the BAAC meeting summary and transmitted by the Boating Stakeholder Coordinator through the leadership chain to the Secretary as official correspondence.

### **Official Correspondence**

- 1) Official correspondence generated by the BAAC shall be reviewed and approved by the Chairperson.
- 2) Copies of any correspondence transmitted by the BAAC shall be provided to all members.
- 3) The Boating Stakeholder Coordinator shall maintain a master file of all correspondences transmitted by the BAAC.

### **Travel Reimbursement**

- 1) BAAC members are eligible for travel reimbursement related to official meeting activity (meetings, site visits) in accordance with the State of Maryland's travel reimbursement guidelines and rates.
- 2) BAAC members will receive expense account forms at each meeting, and shall complete the requested information and provide it to the Boating Stakeholder Coordinator.
- 3) Reimbursement may take 2-4 weeks, after submission and acceptance of the form. BAAC members have 10 days to submit for reimbursement after the date on which the expense was incurred.